## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS VICTORIA DIVISION

BRADLEY KOENNING,	§	
BRIAN MARTIN, and	§	
MORGAN RYALS	§	
	§	
Plaintiffs	§	
	§	
VS.	§	CIVIL ACTION NO. 6:11-CV-0006
	§	
THOMAS SUEHS, in his official capacity	§	
as Executive Commissioner, TEXAS	§	
HEALTH AND HUMAN SERVICES	§	
COMMISSION	§	
Defendant.	§	

## **DECLARATION OF JOHN W. GRIFFIN, JR**

- 1. My name is JOHN W. GRIFFIN, JR, I am over eighteen (18) years of age, I am fully competent to make this declaration, and I have personal knowledge of the facts stated herein.
- 2. From April 1, 1989 to the present, I have been the managing partner of Marek, Griffin & Knaupp ("MKG") and its predecessor. I have been in private practice since 1983, and to my knowledge, am one of only a few attorneys in Texas who are board certified by the Texas Board of Legal Specialization in three litigation fields: Consumer and Commercial Law, Civil Trial Law, and Personal Injury Trial Law. I am also a member of the Texas Bar Foundation, the College of the State Bar of Texas, and the Texas Center for Legal Ethics and Professionalism.
- 3. I am admitted to practice before the United States Supreme Court, the Seventh Circuit Court of Appeals, the Fifth Circuit Court of Appeals, the United States District Court for the Western District of Texas, and the United States District Court for the Southern District of Texas. My office is located in Victoria, Texas and I am familiar with the prevailing hourly rates

charged by attorneys in the Victoria legal market.

- 4. I was asked to review the affidavits of Plaintiffs' counsel, Maureen O'Connell and Maryann Overath, which were submitted with their attorneys' fee request in *Koenning et al v. Suehs*, 2012 W. L. 4127956 (S.D. Tex. Sept. 18, 2012), and to offer my opinion as to whether their requested hourly rates of \$325 and \$275 respectively are consistent with prevailing market rates in the Victoria legal community.
- 5. As to Maureen O'Connell, I noted that she has practiced for more than 30 years in the area of disability rights and health law, focusing in large part on the rights of Medicaid recipients with disabilities. I have reviewed a list of Ms. O'Connell's federal litigation on behalf of individuals with disabilities and the results obtained in these cases. Based upon this review, it is my opinion that Ms. O'Connell's hourly rate of \$325 is consistent with that of attorneys with similar levels of experience in the Victoria market, especially with respect to highly complex cases involving disability rights.
- 6. I also reviewed the affidavit of Maryann Overath and am of the opinion that her requested hourly rate of \$275 is consistent with the prevailing rate for attorneys with nearly 20 years of litigation experience in this area.
- 7. My own rates for litigation such as this case exceed that of Ms. O'Connell's requested rates. The most recent fee application I submitted in this Court (Judge Hudspeth presiding) was in 2008, four years ago. *Ruiz v. Mukasey*, No. 6:07-CV-56. Then, my rate was \$325 per hour in the Victoria Division. More recently, in 2010, in the Northern District of Oklahoma, the rate had increased to \$350 per hour. The requested rates sought by Ms. O'Connell's law office are less than the prevailing rates for similar work by lawyers similarly skilled. I personally am acquainted with similarly qualified lawyers who charge \$400 per hour

and more for such work.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 30 day of October 2012.